

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

VIKRAMKUMAR J. SHAH	§	
	§	
v.	§	CIVIL CASE NO. 4:22-CV-89-SDJ
	§	
NOVELIS	§	

**MEMORANDUM ADOPTING THE REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

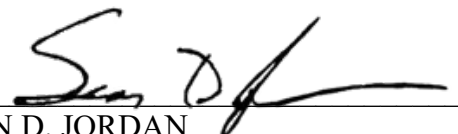
Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 21, 2023, the Report of the Magistrate Judge, (Dkt. #28), was entered containing proposed findings of fact and recommendations that this cause be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m). The Report notes that, while this matter has now been pending for over a year, Defendant has not been properly served.

A party who files timely written objections to a magistrate judge’s report and recommendation is entitled to a *de novo* review of those findings or recommendations to which the party specifically objects. 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b)(2)–(3). Following entry of the Report, Plaintiff made two filings, (Dkts. #29; #30), which the Court construes as written objections. A review of the filings make clear Plaintiff has not properly served Defendant, nor has he requested additional time to do so. The Court has provided Plaintiff with multiple opportunities to properly serve Defendant over the past year, good cause does not exist to further extend the time for service, (Dkts. #9; 21, 22).

Having assessed the Report, and considered Plaintiff's filings, (Dkts. #29; 30), the Court determines the Magistrate Judge's Report should be adopted. Plaintiff has not properly served Defendant.

It is therefore **ORDERED** that Plaintiff Vikramkumar J. Shah's case is **DISMISSED WITHOUT PREJUDICE**.

So ORDERED and SIGNED this 13th day of March, 2023.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE